UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,289	07/17/2003	Richard W. Ragan JR.	RSW920030060US1	2496

45541   7590   10/09/2008
HOFFMAN WARNICK LLC
75 STATE ST
14TH FLOOR
ALBANY, NY 12207

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
10/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

	Application No.	Applicant(s)
Office Action Summary	10/621,289	RAGAN ET AL.
	Examiner	**Art Unit**	
	STEVEN B. THERIAULT	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: RCE filed 08/29/2008.

2.   Claims 1 -25 are pending in the case. Claims 1, 11, 14, and 20 are the independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on 08/29/2008 has been entered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable anticipated by**

Eruhimov et al. (Hereinafter Eruhimov) U.S. Patent Publication No. 20040215591 filed Apr.

25, 2003, in view of Bianchini et al (hereinafter Bianchini) U.S. Patent No. 20030115174 filed

May 9, 2002.

In regard to **Independent claim 1,** Eruhimov teaches a method of automatically customizing a

user interface the method (See Figure 8) comprising:

- Identifying a user of the user interface (see Para 16-19 and Figure 8). Eruhimov teaches organizing the information based on **the** user's interaction with the items. Therefore, the system must identify the user because one user's traversal of frequently accessed items will be different from another and applying a shortcut to an item that the user has accessed for another user would be contra to the applicant's invention.

- Displaying an object within the user interface (Eruhimov Figure 3 and 4). Eruhimov expressly discloses displaying an object within the interface, such as files and menu items and icons (see Para 22).

Eruhimov does not expressly teach

- Displaying a plurality of shortcuts for the object automatically adjusted based on the identity of the user and a history of the object operations performed by the user to manage the object, wherein at least one shortcut of the plurality of shortcuts comprises a control for managing data in an application.

However, Bianchini teaches a system that specifically allows a user to browse a hierarchical file system where the identity of a user is recognized by their personalize link object repository (See Para 31) and where Bianchini shows the history of exploration events by the user (See Figure 5 and Para 28-29) and where the user explores the file system through context sensitive conventional commands (See Para 50) that allow the user to organize folders in an application, which is an example of at least one control that allows the user to manage data in an application. Bianchini and Eruhimov both teach displaying a hierarchical file system browser and then both teach creating shortcuts for the user automatically.

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Bianchini and Eruhimov in front of them to modify the system of Eruhimov to adjust the shortcuts based on the identity of the user because Bianchini specifically teaches tracking the users LOR and then presenting the objects to the user based on the selection made by the user. The motivation to combine Bianchini with Eruhimov comes from the

suggestion in Bianchini where Bianchini suggests a need to assist in displaying the exploration of a file system where a user is assisted by having the interface create, manage and propose to the user target locations they have visited in an automatic form (See Para 51-52).

With respect to **dependent claim 2,** Eruhimov teaches the method wherein the plurality of shortcuts comprises one of: a hyperlink, a button, an icon, a toolbar control, and a menu item (See Para 22 and Figure 3-4). Eruhimov teaches the files or menu items are shortcuts and icons can be shortcuts.

With respect to **dependent claim 3,** Eruhimov teaches the method wherein the object comprises one of a data file and a set of related data within a data file (Eruhimov Figure 7 shows files and folders).

With respect to **dependent claim 4,** Eruhimov teaches the method further comprising recording object operations that are performed by the user on the object to create the history of object operations (See Para 29-30).

With respect to **dependent claim 5,** Eruhimov teaches calculating a frequency that each object operation was selected by the user, and determining a particular object operation having the highest frequency (See Para 34 and Figure 8). Eruhimov teaches calculating an index of items that are accessed by the user. The top item in the index will be the most frequent item accessed by the user (See also Para 30).

With respect to **dependent claim 6,** Eruhimov teaches the method further comprising managing the object using an application wherein the displayed shortcut is further based on the application (See Para 16 and 17).

As to **dependent claim 7, 17 and 23,** Eruhimov teaches the method, system and medium (See Para 13) wherein the object has one of a plurality of object states and wherein the displayed shortcuts are further based on object state (Eruhimov Para 19). Eruhimov teaches the user

folders are hierarchically organized and Figure 7 shows the state of the object in a menu. For

example, the items are selected and then displayed on the tree in an open state. Therefore, a

state can be where the item is active and displayed to the user. The "drive A" item would not be

displayed to the user if it were not selected by the user. Couple this rationale with the tracking of

how many times the user has accessed the path and generating the shortcut to the folder, then

the structure exists to have an object with a state of selected and in a child node arrangement on

a tree.

With respect to **dependent claim 8,** Eruhimov teaches the method wherein the user has a user

attribute and wherein the displayed shortcut are further based on a history of object operations

selected by a set of users having the user attribute (Para 17). Eruhimov teaches the interface

may consist of the Microsoft Windows system and all users within the Window system have a

login ID and objects on the interface are organized by a user's profile.

With respect to **dependent claim 9,** Eruhimov teaches the method wherein the object has an

object attribute and wherein the displayed shortcut is further based on a history of object

operations selected for a set of objects having the object attribute (See Para 26-30). Eruhimov

teaches the auto shortcut is generated automatically based on the number of times it has been

accessed by **the user** (See also Figure 8) and the objects have attributes, where they are files or

folders on a menu or are icons (See Para 22).

With respect to **dependent claims 10 and 13,** as indicated in the above rejection, Eruhimov

teaches each element of claim 9 and 12.

Eruhimov does not expressly teach reserving a portion of the interface for displaying the

shortcuts, wherein the shortcuts are displayed in the reserved portion. However, this limitation

would have been obvious to one of ordinary skill in the art at the time of the invention in view of

Bianchini, because Bianchini shows the shortcuts displayed in a lower section of the frame (See

figure 5). The motivation to combine Bianchini with Eruhimov comes from the suggestion in

Bianchini where Bianchini suggests a need to assist in displaying the exploration of a file system

where a user is assisted by having the interface create, manage and propose to the user target

locations they have visited in an automatic form (See Para 51-52).

In regard to **Independent claim 11**, Eruhimov teaches the method of automatically customizing a

user interface the method comprising:

- Identifying a user of the user interface (see Para 16-19 and Figure 8). Eruhimov teaches

  organizing the information based on **the** user's interaction with the items. Therefore, the

  system must identify the user because one user's traversal of frequently accessed items

  will be different from another and applying a shortcut to an item that the user has

  accessed for another user would be contra to the applicant's invention.

- Displaying an object within the user interface, wherein the object has an object attribute

  (Eruhimov Figure 3 and 4). Eruhimov expressly discloses displaying an object within the

  interface, such as files and menu items and icons (see Para 22). The objects displayed in

  the screen all have object attributes where they are files or folders on a menu or are

  icons (See Para 22) and they are located in the hierarchical structure, which is an

  attribute of the object.

- Recording object operations that are performed by the user on the object to manage the

  object in a history of object operations (See Para 29-30 and 35). Eruhimov teaches

  collecting access statistics.

Eruhimov does not expressly teach:

- Displaying a plurality of shortcuts for the object automatically adjusted based on the user,

  identity of the user, the object attribute, and a history of the object operations performed

  by the user to manage the object, wherein at least one shortcut of the plurality of

  shortcuts comprises a control for managing data in an application

However, Bianchini teaches a system that specifically allows a user to browse a hierarchical file

system where the identity of a user is recognized by their personalize link object repository (See

Para 31) and where Bianchini shows the history of exploration events by the user (See Figure 5

and Para 28-29) and where the user explores the file system through context sensitive

conventional commands (See Para 50) that allow the user to organize folders in an application, which is an example of at least one control that allows the user to manage data in an application. Bianchini and Eruhimov both teach displaying a hierarchical file system browser and then both teach creating shortcuts for the user automatically. Bianchini teaches that each record in the LOR has an index field that contains the starting location from the selected location made by the user and contains a sorting criterion stored in an additional field, which is at least one example of an attribute of the object (See Para 31).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Bianchini and Eruhimov in front of them to modify the system of Eruhimov to adjust the shortcuts based on the identity of the user because Bianchini specifically teaches tracking the users LOR and then presenting the objects to the user based on the selection made by the user. The motivation to combine Bianchini with Eruhimov comes from the suggestion in Bianchini where Bianchini suggests a need to assist in displaying the exploration of a file system where a user is assisted by having the interface create, manage and propose to the user target locations they have visited in an automatic form (See Para 51-52).

With respect to **dependent claim 12,** Eruhimov teaches the method further comprising managing the object using an application wherein the displayed shortcut are further based on the application (See Para 16 and 17).

In regard to **Claims 14-16,** claims 14-16 reflect the system comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

With respect to **dependent claim 18,** Eruhimov teaches the method wherein the user has a user attribute and wherein the displayed shortcuts are further based on a history of object operations selected by a set of users having the user attribute (Para 17). Eruhimov teaches the interface may consist of the Microsoft Windows system and all users within the Window system have a login ID and objects on the interface are organized by a user's profile.

With respect to **dependent claim 19,** Eruhimov teaches the method wherein the object has an object attribute and wherein the displayed shortcut is further based on a history of object operations selected for a set of objects (See Para 26-30). Eruhimov teaches the auto shortcut is generated automatically based on the number of times it has been accessed by **the user** (See also Figure 8) and the objects have attributes, where they are files or folders on a menu or are icons (See Para 22).

In regard to **Claims 20-22,** claims 20-22 reflect the program product comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

With respect to **dependent claim 24,** claim 24 incorporates substantially similar subject matter as claimed in claim 18, and is respectfully rejected along the same rationale.

With respect to **dependent claim 25,** claim 25 incorporates substantially similar subject matter as claimed in claim 19, and is respectfully rejected along the same rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant has changed the scope of the independent claims by adding the limitation of displaying the shortcuts based on the identity of the user.

However, the Examiner provides the rationale employed in Eruhimov to forward prosecution and can understand the applicant's position where they interpret Eruhimov to not identify the user. However, the claims merely recite identifying **"a" user** which would at least provide for identifying that the user at the time event entry has made a selection. So, therefore the first limitation does not recite identifying a specific user where a broader interpretation can simply be that interface identifies "a" user but not the specific user. That said, the system of Eruhimov shows the implementation within a Windows environment (See Para 16), which requires a specific user account to log-on and manage applications even if it is a guest or administrator.

Response to Amendment

Applicant submitted an Affidavit on 07/10/2008 and the Examiner responded to the Affidavit in the Advisory action mailed 07/29/2008. Applicant did not supply additional arguments in the RCE and in light of the applicant's amendments it is assumed the applicant is not pursuing the process to overcome the prior art of record with a prior disclosure. **Therefore,** since applicant did not respond the Examiners response or comments in the Advisory action, which is incorporated here within, the response to the 1.131 affidavit is made final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179